

Ordinance No. _____, Series 2006

**AN ORDINANCE AMENDING SECTION 39.060 OF THE
LOUISVILLE/JEFFERSON COUNTY METRO
GOVERNMENT CODE OF ORDINANCES [LMCO]
RELATING TO COMPENSATION FOR CONSTABLES.**

Sponsored By: Councilman Bob Henderson, District 14

WHEREAS, Constables neither perform any services for Metro Government, nor are they responsible to any officer of Metro Government; and

WHEREAS, the Constitution of Kentucky, as well as opinions of its Courts, and opinions of its Attorneys General forbid payment to any person by Metro Government except for services rendered, or goods furnished to Metro Government; and

WHEREAS, based on prior reports made by Constables, Metro Government has determined that a reasonable compensation for Constables who perform services for the Commonwealth of Kentucky under its statutes will not exceed \$100 per month;

NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS FOLLOWS:

SECTION I. LMCO Section 39.060 is hereby amended to read as follows:

§ 39.060 PAYMENT.

(A) Each elected Jefferson County constable who desires any payment pursuant to KRS 64.210 for the use of his or her personal automobile in the performance of his or her official duties under any statute of the Commonwealth of Kentucky shall present to the Chief Financial Officer ~~Secretary of Finance~~, or his or her designee (hereinafter "~~Secretary~~" the "CFO") for each month in which the constable seeks payment, on forms prescribed by the CFO ~~Secretary~~, ~~a copy of all of the~~

following:

- (1) Current automobile operator's license;
- (2) Vehicle registration of the automobile which he or she is claiming is utilized in the performance of his or her official duties; and
- (3) A completed mileage reimbursement form for the ~~previous~~ month during which payment is claimed. Upon completion and certification of the mileage reimbursement form, each Constable shall be paid at the rate established in the current Metro Government policies with regard to ~~travel expenses~~ vehicle mileage reimbursement not to exceed \$200 per month. Any change in a Constable's vehicle registration or operator's license shall be reported immediately to the ~~Secretary of Finance~~ CFO.

(B) By the tenth day of each month, each elected Jefferson County Constable shall also present to the Secretary of Finance, on a form prescribed by the CFO a sworn statement itemizing the hours actually expended in the prior month in carrying out his or her official duties under any statute of the Commonwealth of Kentucky. In addition to the hours actually expended, the monthly sworn statement shall describe the official duties performed by each Constable ~~in his or her district~~ during the prior month. Upon receipt of such sworn statement, the ~~Secretary of Finance~~ CFO shall pay each Constable at an hourly rate, equivalent to the hourly rate paid by Metro Government for permanent part time employees, not to exceed \$100 ~~up to \$200~~ per month, for official duties performed under any statute of the Commonwealth of Kentucky as described in the sworn statement. Payment for any month shall not be made until the reports required by this section ~~has~~ have been received by the ~~Secretary of Finance~~ CFO. Payment shall also be conditioned on the receipt by the CFO of each of the following:

(1) copies of each monthly report required by the Constable pursuant to KRS 70.430, which copies are stamped as received or filed by the Jefferson County Clerk; and

(2) an accounting for, and receipt of all funds received by the Constable pursuant to KRS 64.200(3) for such periods and on forms prescribed by the Secretary.

(C) No other consideration other than as hereinabove specified shall be paid to any Jefferson County Constable during his or her term of office commencing on January 1, 1994.

(D) Each Constable shall be required to execute bond with good sureties approved by the Mayor as required by KRS 70.310.

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____